

REMARKS/ARGUMENTS

The objection to the drawing has been noted. This objection is deemed moot with the cancellation of claim 4

The objection to claim 10 has been noted and this typographical error has been corrected.

Claims 10, 12 and 13 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. These claims have been amended to overcome this ground of rejection.

Claims 1 to 3 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hutchinson '156. This ground of rejection is respectfully traversed for the reasons set forth below.

Hutchinson describes a pallet that has no insulating properties. There is no disclosure suggesting the use of this pallet as any portion of a building structure despite the use of such terms as "deck boards" and "stringers.". It has no fire proof rating nor smoke rating. Hutchinson does not disclose coatings that will make a fire resilient or mold and fungal resistant panel. Hutchinson mentions adhesives and glue, but nothing about being fire proof adhesives such as those used in the present invention. Hutchinson also never mentions a foil layer that would help in any manner. Hutchinson's product is just layer after layer of cardboard to make a pallet that is somewhat resilient to wear and thus somewhat durable. The present invention has a specific make up with specific compounds. The present invention incorporates a foil layers specifically to reflect heat and to stop cold-to-heat or heat-to-cold temperature transfer. Hutchinson's teaching of multiple layers of corrugated sheets is simply not sufficient to anticipate the present

invention. To imply that it would be obvious to one skilled in the art to modify Hutchinson according to the teachings of the present invention would be an improper use of hindsight to reconstruct the reference in a manner not taught by the reference but only by using the present disclosure as a blueprint for this improper reconstruction. Thus this ground of rejection must be withdrawn.

Claims 1, 4, 10 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Pobanz '910. This ground of rejection is respectfully traversed for the reasons set forth below.

Pobanz, unlike Hutchinson, is a panel used for constructing buildings. However, Pobanz uses corrugated foils in place of the smooth layers of foil between double layers of corrugation of the present invention. The present invention would have approximately ten times the strength of the reference since the foil layers act both as a bonding layer and a reflecting layer. Pobanz attaches his foils only at the outer surfaces. The present invention does not rely upon the foil for structural support, only for reflection and as a heat transfer barrier.

Claims 6 to 9, 11 and 12 were rejected under 35 U. S. C. § 103(a) as being unpatentable over Pobanz '910 in view of Webb '316. This ground of rejection is also traversed for the reasons set forth below.

The deficiencies of Pobanz as an anticipation are discussed above. To imply that it would be obvious to one skilled in the art to modify Pobanz according to the teachings of Webb would be an improper use of hindsight in reconstructing the primary reference in a manner not taught by the Pobanz by using the present disclosure as a blueprint. There is no teaching or suggestion to

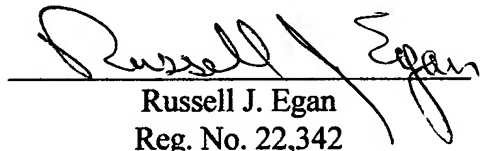
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support this proposed combination of references. Thus this ground of rejection must be withdrawn.

The prior art made of record, but not relied upon, has been reviewed. No comment thereon is deemed necessary at this time.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Russell J. Egan", is written over a horizontal line.

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